

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0074**

**ADOPTING AMENDMENTS TO THE ENVIRONMENTAL LABORATORY ACCREDITATION
PROGRAM (ELAP) FEE SCHEDULES IN TITLE 22, CALIFORNIA CODE OF REGULATIONS
SECTION 64806**

WHEREAS:

1. Pursuant to the Environmental Laboratory Accreditation Act, in particular, Health and Safety Code Sections 100829, 100830, and 100860.1, and Health and Safety Code Section 116271, the State Water Resources Control Board (State Water Board) is authorized to adopt regulations establishing fees for accreditation of environmental laboratories.
2. Health and Safety Code section 100860.1 requires the State Water Board to adjust environmental laboratory accreditation fees annually in accordance with Health and Safety Code Section 100425.
3. Health and Safety Code Section 100425 provides that fees subject to that statute "shall be adjusted annually by the percentage change printed in the Budget Act The percentage change shall be determined by the Department of Finance, and shall include at least the total percentage change in salaries and operating expenses of the state department."
4. Health and Safety Code Section 100829 mandates that the accreditation program operated pursuant to the Environmental Laboratory Accreditation Act be fully fee-supported. Health and Safety Code Section 100920 requires that environmental laboratory accreditation fees be deposited in the Environmental Laboratory Improvement Fund.
5. The Budget Act of 2015, SB 101, directs the State Water Board to "adjust the Environmental Laboratory Improvement Fund fees of the board that are subject to the annual fee adjustment pursuant to subdivision (a) of Section 100425" and provides that the fees "may be increased by up to 57.84 percent ... if the fund condition statement for the fund projects a reserve less than 10 percent of estimated expenditures and the revenues projected for the 2015–16 fiscal year are less than the appropriation contained in this act."
6. State Water Board staff prepared recommended revisions to the State Water Board's Environmental Laboratory Accreditation Program (ELAP) fee regulations in accordance with the Health and Safety Code Section 100425 and SB 101.
7. The ELAP fee [regulations](#) will be contained in Title 22, California Code of Regulations, Section 64806.
8. These regulations are exempt from review by the Office of Administrative Law and will take effect upon being filed with the Secretary of State by the Office of Administrative Law.

9. The California Environmental Quality Act (CEQA) provides a statutory exemption for the review and modification of charges by public agencies. Specifically, Public Resources Code Section 21080 (b)(8) provides for such statutory exemption if the public agency finds that such charges "are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter."
10. The State Water Board finds that the charges identified in Title 22, California Code of Regulations, Section 64806 are for the purpose of: meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials; and meeting financial reserve needs and requirements.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts amendments to Title 22, California Code of Regulations, Section 64806.

The State Water Board determines that adoption of Title 22, California Code of Regulations, Section 64806 is statutorily exempt from CEQA for the reasons given above.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 1, 2015.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board